

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: ASBESTOS PRODUCTS LIABILITY  
LITIGATION (NO. VI)

Civil Action No. MDL 875

Evelyn Hawkins Nall, Individually and as  
Special Administrator for the Estate of Clyde  
T. Nall, deceased,,

Plaintiff,

v.

AC and S Inc., et al.,

Defendants

ED-PA Case No. 08-CV-90084  
*and certain other "CVLO-1" cases (see  
attached Supplement Case List)*

**PLAINTIFF'S MOTION FOR LEAVE TO FILE RESPONSE TO ERICSSON INC'S  
MOTION TO DISMISS BASED UPON PLAINTIFF'S NONCOMPLIANCE WITH  
ADMINISTRATIVE ORDER NO. 12**

Now come the plaintiff, Evelyn Hawkins Nall ( "Plaintiff"), by and through her attorneys, Cascino Vaughan Law Offices, Ltd. ("CVLO"), who hereby files this motion for leave to file her response to Ericsson Inc.'s Motion to Dismiss Based Upon Plaintiff's Noncompliance with Administrative Order no. 12, and in support thereof states the following:

1. On July 29, 2011, Ericsson Inc. filed Ericsson Inc's Motion to Dismiss Based Upon Plaintiff's Noncompliance with Administrative Order No. 12 in sixteen (16) different CVLO-1 cases, including this action (08-cv-90084 Doc. No. 14). Attached as Exhibit "A" is a list of affected cases with an example of these motions to dismiss.
2. On 9/15/2011, an identical Plaintiff's Response was filed on behalf of all of these sixteen (16) cases as a group, which included a case list showing each of these sixteen (16) cases as an exhibit. Attached as Exhibit B is a list of cases in which plaintiffs have filed

responses, including an example of such.<sup>1</sup>

3. Due to a clerical oversight, these identical responses were only filed in nine (9) out of sixteen (16)<sup>2</sup> of these cases.
4. Defendants were not prejudiced by this, as they had indeed received filed copies of Plaintiff's response to their motions to dismiss in nine cases, and it would not be biased to allow these six (6) Plaintiff's (see attached Supplemental Case List) to file a copy of this identical response for posterity's sake.
5. Further, the Court has not yet ruled on this group of motions.

WHEREFORE, plaintiff prays this Honorable Court enter an order granting Plaintiff leave to formally file her Response in opposition to Ericsson Inc's Motion to Dismiss Based Upon Plaintiff's Noncompliance with Administrative Order No. 12. to be taken under consideration.

Respectfully submitted,

Dated: November 10, 2011

By: /s/ Michael P. Cascino  
One of Plaintiff's Attorneys

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<sup>1</sup>Sans other exhibits for ease of handling. Should this motion be granted, they will be filed along with the response itself by Plaintiff. To see the full exhibits, please refer to ED-PA 08-cv-90938 Doc. No. 19.

<sup>2</sup>Although the responses have not been filed in seven (7) cases, Plaintiff's Motion for Leave to File Response is only being filed to effect six (6) cases. CVLO is not continuing active litigation with the one other case, Bennett v. AC&S Inc., et al., ED-PA Case No. 08-CV-90082.